

1 S.220

Sec. 2a. ALLOWABLE GROWTH IN TUITION FOR FISCAL YEARS

3 2028 AND 2029

4 (a) Notwithstanding any provision of law to the contrary, for fiscal years

5 2028 and 2029 only, the tuition charged pursuant to 16 V.S.A. chapter 21 by a

6 receiving school located in Vermont shall not exceed the sum of the tuition

7 charged by the receiving school in the prior fiscal year and the receiving

8 school's allowable tuition growth; provided, however, that this section shall

9 not apply to tuition paid for prekindergarten pursuant to 16 V.S.A. § 829.

10 (b) As used in this section:

11 (1) "Allowable tuition growth" for a receiving school means the product

12 of the receiving school's allowable tuition growth percentage and the tuition

13 charged by the receiving school for publicly funded students in the prior fiscal

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15 (2)(A) "Allowable tuition growth percentage" for a receiving school

means nine percent of the difference between the tuition charged by the

17 receiving school to publicly funded students in the prior fiscal year and the

18 highest tuition charged by a receiving school to publicly funded students

19 pursuant to 16 V.S.A. § chapter 21 in the prior fiscal year, provided that the

20 minimum allowable tuition growth percentage shall be three percent

1 (B) A receiving school's allowable tuition growth percentage is

2 calculated as follows:

(3) "Receiving school" means the school board of a receiving public school and an approved independent school that is eligible to receive public tuition pursuant to 16 V.S.A. § 828.

14 Sec. 2b. ALLOWABLE GROWTH IN TUITION FOR FISCAL YEARS

15 2028 AND 2029

16 Notwithstanding any provision of law to the contrary, for fiscal years 2028
17 and 2029 only, the tuition charged pursuant to 16 V.S.A. chapter 21 by a
18 receiving school located in Vermont shall not exceed the tuition charged by the
19 receiving school in the prior fiscal year, increased by the annual change in the
20 National Income and Product Accounts (NIPA) implicit price deflator for state

1 and local government consumption expenditures and gross investment as
2 reported by the U.S. Department of Commerce, Bureau of Economic Analysis.

3 Sec. 3. 16 V.S.A. § 828 is amended to read:

4 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

5 (a) A school district shall not pay the tuition of a student except to:

6 (1) a public school located in Vermont;

7 (2) an approved independent school that:

8 (A) is located in Vermont;

9 (B) is approved under section 166 of this title on or before July 1,

10 2025;

11 (C) is located within either:

12 (i) a supervisory district that does not operate a public school for

13 some or all grades as of July 1, 2024; or

14 (ii) a supervisory union with one or more member school districts

15 that does not operate a public school for some or all grades as of July 1, 2024;

16 (D) had at least 25 percent of its student enrollment composed of

17 students attending on a district-funded tuition basis pursuant to chapter 21 of

18 this title during the 2023–2024 school year; **and**

19 (E) complies with the minimum class size requirements contained in

20 subdivision 165(a)(9) of this title and State Board rule; provided, however, that

21 if a school is unable to comply with the class size minimum standards due to

1 geographic isolation or a school has developed an implementation plan to meet
2 the class size minimum requirements, the school may ask the State Board to
3 grant it a waiver from this subdivision (E), which decision shall be final;

4 (F) agrees that for the purposes of access to public records, the school
5 is a public agency and shall comply with the provisions of 1 V.S.A. chapter 5,
6 subchapter 3; and

7 (G) provides an annual assurance to the State Board of Education,
8 signed by the head of school, that public tuition funds shall be used only to pay
9 for the education of the publicly funded students on whose behalf the school
10 received such tuition payments pursuant to this chapter;

11 (3) an independent school meeting education quality standards;
12 (4) a tutorial program approved by the State Board;
13 (5) an approved education program;
14 (6) a public school located in another state; or
15 (7) a therapeutic approved independent school located in Vermont or
16 another state or country that is approved under the laws of that state or country.

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18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on July 1, 2026.